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SCANNED

DATE:

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MKS INSTRUMENTS, INC. and APPLIED
SCIENCE AND TECHNOLOGY, INC.,

Plaintiffs,

United States District Court

V.
For The District of Delaware
C.A. No. 03-469 (JJF)

ADVANCED ENERGY INDUSTRIES, INC.,

Defendant.

## ADVANCED ENERGY'S RULE 7.1 REQUEST FOR LEAVE TO FILE A REPLY BRIEF IN SUPPORT OF ITS MOTION TO COMPEL TESTA HURWITZ TO PRODUCE DOCUMENTS

C.A. No. 04-MC-10090 (NG)

Pursuant to Local Rule 7.1(b)(3), Advanced Energy Industries, Inc. ("Advanced Energy") hereby respectfully requests permission from this Court to file the attached six-page reply brief in support of its Motion To Compel Testa Hurwitz To Produce Documents.

A reply to the opposition briefs filed by Testa Hurwitz & Thibeault, LLP, and by MKS Instruments, Inc. and Applied Science and Technology, Inc., is necessary and is in the interests of justice. The opposition briefs attempt to mislead this Court concerning the substance of the parties' meet-and-confer sessions. Additionally, the briefs attempt to mislead this Court regarding Advanced Energy's inequitable conduct defense, which underlies the discovery requests Advanced Energy sent to Testa Hurwitz & Thibeault LLP.

DATED: Boston, MA April 23, 2004

**DECHER** 

By:

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